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Cc: [Albert R. Axe Jr. \(aaxe@winstead.com\)](#); [Cermak, John F.](#)
Subject: San Jacinto River Waste Pits Superfund Site - Southwest Shipyards Activity on Former "Big Star" (now San Jacinto River Fleet) Property
Date: 11/29/2012 09:44 AM
Attachments: [971027 Workplan for Site Assessment of Portions of A, B, and C Yards \(by Groundwater Services\).PDF](#)
[980211 Southwest Shipyard Jones Letter to TNRCC John Sadlier re ABC Yards.PDF](#)
[980227 TNRCC David Davis 13B letter to Southwest Shipyard Hillard regarding ABC Yards work plan.PDF](#)
[111220 UAO - Winstead Axe Ltr to EPA Foster and Hernandez Attaching Anchor OEA Report Dated December.PDF](#)
[971027 Workplan for Site Assessment of Portions of A, B, and C Yards \(by Groundwater Services\).PDF](#)
[980211 Southwest Shipyard Jones Letter to TNRCC John Sadlier re ABC Yards.PDF](#)
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Anne and Amy,

On behalf of the Respondents at the above-referenced Site, International Paper Company and McGinnes Industrial Maintenance Corporation, attached is the documentation that was referenced during the October 9, 2012 meeting regarding Southwest Shipyards' activities on the former "Big Star" property, which is the peninsula located west of the northern waste impoundments where the Time Critical Removal Action was conducted.

Three documents related to Southwest Shipyards, which since the 1950s has operated a shipyard on property on the eastern half of the peninsula south of I-10, are attached. They are (1) a work plan prepared on behalf of Southwest Shipyards by Groundwater Services, Inc. and submitted to the Texas Natural Resource Conservation Commission ("TNRCC"), predecessor agency to the Texas Commission on Environmental Quality ("TCEQ"), on October 27, 1997 ("Work Plan"), (2) a letter dated February 11, 1998 from Southwest Shipyards to TNRCC ("February 11 Letter"), and (3) a letter from TNRCC to Southwest Shipyards dated February 27, 1998 ("February 27 Letter"). The Work Plan and the correspondence relate to an agreed order between Southwest Shipyards and TNRCC ("Agreed Order") that required assessment and remediation of areas on and outside of Southwest Shipyards' property. In addition, I have attached the letter that was submitted to EPA in December 2011 that summarized information with respect to the designation of Big Star Barge & Boat Company, Inc. ("Big Star") and others as PRPs.

One of the off-site areas covered by the Agreed Order is referred to as "C Yard" in the Work Plan. "C Yard" was an area on the former Big Star property that, according to the Work Plan, was used by Southwest Shipyards for barge painting for several months during 1996. It is an area referred to in the Work Plan as the "Barge Painting Area." See Work Plan at 1 and 6 and Figures 1 and 6. The Work Plan states that Southwest Shipyards used this area to paint barges and that a TNRCC inspection in 1996 concluded that (1) "[b]arges were being spray painted in the San Jacinto River without the use of screens or other method of shielding," (2) "[p]aints containing the solvent MEK were allowed to overspray into the water," and (3) "small pieces of non-asbestos insulation being installed onto the top of a barge discharged to the San Jacinto River." Work Plan at 6. The wastes "potential generated" by such activities are identified as including "residual spent blast sand, paint chips, and rust chips swept from barge decks prior to painting" and "paint drip and overspray." *Id.* The Work Plan also documented the dredging activity taking place on the Big Star property at the time that the Work Plan was being prepared (see Work Plan at page 6 and Figure 7), noting on page 6 that "[d]redging operations conducted by the owner of C Yard [i.e., Big Star] have distributed and potentially removed any residual materials resulting from Southwest Shipyard



operations.”

The February 11 Letter was issued by Southwest Shipyards in response to TNRCC comments on the Work Plan in a letter dated January 28, 1998; the January 28, 1998 letter is referenced as item “d” in the “re” line of the February 11 Letter. We have not located a copy of the January 28, 1998 letter. In response to TNRCC’s comments, however, it appears that Southwest Shipyards agreed to perform soil sampling within the Barge Painting Area. Figure 1 to the February 11 Letter identifies the locations for ten soil samples, identified as “SS-BP-1” to “SS-BP-10.” Table 1 to the February 11 Letter, which contains a response to TNRCC comments, notes with respect to the Barge Painting Area, Southwest Shipyards was “currently working to execute an agreement for site access.”

The February 11 Letter also states that “removal of waste debris” has previously been completed in the four areas covered by the Agreed Order “in response to the comments received from the TNRCC in December 1996.” February 11 Letter at 2. We have not identified any further details of the “removal of waste debris” that occurred with respect to the Barge Painting Area on the Big Star property.

The February 27 Letter (from TNRCC) approved the February 11 Letter with certain modifications. The modifications with respect to the Barge Painting Area included requirements for additional samples in sediments in the San Jacinto River, all to be collected at a depth of “approximately 6 inches from the surface of the river bottom.” February 27 Letter at 1-2. In particular:

1. Two sets of sediment samples are to be collected, each composed of “three discrete samples: the first sample adjacent to the shoreline, the second sample at 17 feet from the shore, and the third sample at 54 feet from the shore.”
2. The first set of samples is to be located “directly adjacent” to soil sample SS-BP-3 and the second is to be located “directly adjacent” to soil sample SS-BP-9 (the locations of these soil samples are identified on Figure 1 to the February 11 Letter).
3. TNRCC suggested that one discrete river sediment sample be taken at the north end tip of the C Yard in the location of SS-BP-10.

Id. at 2. TNRCC directed Southwest Shipyards begin the investigation within two weeks of receipt of the February 27 Letter. *Id.*

We have to date been unable to locate the results of the sampling on the Big Star property and in the surrounding sediments or other documents related to Southwest Shipyards’ fulfillment of its obligations under the Agreed Order. The Respondents’ remedial investigation for the Site has shown that mercury concentrations are higher in soils on the western side of the slip at Big Star than they are in any samples taken from within the northern impoundments. On the former Big Star property, elevated metals have been detected in soils on the western side of the slip at Big Star, and the Barge Painting Area (“C Yard”) was on the eastern side of that slip.

Respondents believe that the attached information regarding Southwest Shipyard’s activities, as well as the information submitted to you previously regarding dredging activities in the area of the northern impoundments, should be of assistance to EPA in designating additional PRPs associated with the activities on the former Big Star property and surrounding areas. We will continue to attempt to locate the results of the additional

sampling and assessment of the Big Star property referenced herein, at the TCEQ. Any assistance from EPA in this regard would be appreciated. We will follow up with you in a few weeks to further discuss this matter. Sonja

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